

TRIPURA**GAZETTE***Published by Authority***EXTRAORDINARY ISSUE**

Agartala, Monday, February 8, 2021 A. D., Magha 19, 1942 S. E.

**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**GOVERNMENT OF TRIPURA
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
VIGYAN PRAJUKTI O PARIVESH BHAWAN
P.N. COMPLEX, GORKHABASRI
AGARTALA, WEST TRIPURA**

No.F.11 (83)/DSTE/CC/Pt-I/650-58

Dated, the 28th January, 2021.**NOTIFICATION**

WHEREAS; in exercise of power conferred by section 64 of the water (Prevention & Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Governor of Tripura made "The Tripura State Pollution Control Board (Prevention & Control of water Pollution) Rules, 1989" vide Notification No.F(6)/TSPCB/2119 dated, Agartala, the 23rd May, 1990,

AND

WHEREAS; under Rule 3 of the said Rules, the Salaries, Allowances and other conditions of service of Chairman, Tripura State Pollution Control Board have been specified but nothing has been specified regarding Qualifications etc. for appointment of Chairman of Tripura State Pollution Control Board,

AND

WHEREAS; under Rule 4 of the said Rules, the Salaries, Allowances and other conditions of service of Member Secretary, Tripura State Pollution Control Board have been specified but nothing has been specified regarding Qualifications etc. for appointment of Member Secretary of Tripura State Pollution Control Board,

AND

WHEREAS; the salary specified in the Rules for a non-official person being appointed as the Chairman needs to be amended suitably in accordance with Tripura State Civil Service (Revised Pay) Rules, 2017 as amended up to date,

AND

WHEREAS; Hon'ble Supreme Court of India has passed an Order on 22.09.2017 in the Civil Appeal No.1359 of 2017 including Civil Appeal No. 526 of 2017 directing all the States to frame appropriate guidelines or recruitment rules for appointment of Chairman and Member Secretary of State Pollution Control Boards,

AND

WHEREAS; power has been conferred on the State Government by Section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974) to amend the rules namely "The Tripura State Pollution Control Board (Prevention & Control of water Pollution) Rules, 1989" made to carry out the purpose of this Act,

AND

WHEREAS; in accordance with the provisions mentioned in section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), due consultation has been made with the Tripura State Pollution Control Board for amendment of the said "The Tripura State Pollution Control Board (Prevention & Control of water Pollution) Rules, 1989"

NOW, THEREFORE, The Government of Tripura, in exercise of its powers conferred under section 64 of the Act, is pleased to amend "The Tripura State Pollution Control Board (Prevention & Control of water Pollution) Rules, 1989" (hereinafter referred as 'Principal Rules') as follows :-

1. Short title and commencement:-

- i) These Rules may be called "Tripura State Pollution Control Board [Prevention & Control of water Pollution (Amendment)] Rules, 2021".
- ii) They shall come into force on and from the date of issue of this Notification.

2. Amendment of Rule 3 of the Principal Rules :

Expression "Salaries, Allowances and other conditions of service of Chairman" of Rule 3 shall be substituted with the expression "Qualifications, Experience, Age Limit, Pay, Allowances and other conditions of service of Chairman of Tripura State Pollution Control Board".

3. Amendment of Sub rule (1) of Rule 3 of the Principal Rules :

Sub rule (1) of Rule 3 of the Principal Rules shall be substituted as follows:

The Chairman of the State Pollution Control Board shall be appointed by the State Government from amongst the qualified official or non-official persons having Qualifications, Experience, Age Limit etc. as specified in Rule 5.

4. Amendment of Sub rule(2) of Rule 3 of the Principal Rules :

Sub rule (2) of Rule 3 of the Principal Rules shall be substituted as follows:

Pay & Allowances & other conditions of service of the Chairman:

(i) In case the Chairman is appointed from amongst Government employees :

- a) He/she shall receive pay in the pay scale of Rs.130000-214900/- (Level-21 in Tripura State Pay Matrix 2018) with annual increment @3% subject to revision of pay by the State Government from time to time.
- b) If his/her last basic pay exceeds the pay of Rs.214900/- at the time of joining, he/she will receive pay equivalent to the last basic pay of last service with 3% annual increment over the running basic subject to the maximum pay as mentioned in his/her level of the post of his/her last service.
- c) The other conditions of the service of the Chairman shall be regulated in accordance with such rules and regulations as are applicable to the officers belonging to the corresponding pay scale of the State Government.

(ii) In case the Chairman is appointed from amongst Retired persons :

- a) He/she shall receive a pay equal to the difference between the last basic pay drawn by him/her minus the last basic pension (before commutation) per month which may be revised as per Government decision from time to time.

- b) In addition to the pay specified in clause (ii)(a) of sub rule (2) of Rule 3, the Chairman shall be entitled to city compensatory allowance, house rent allowance(if official accommodation is not provided), travelling allowance & daily allowance (in respect of journeys undertaken by him/her for performing duties as Chairman) and medical facilities as applicable for the State Government Employees at Level-21 of Tripura Pay Matrix,2018 which shall be revised from time to time as notified by the Government for the State Government Employees at Level-21 of Tripura Pay Matrix,2018.

(iii) In case the Chairman is appointment from amongst Non-official Persons:

Lumpsum to be decided by the Government. He will get other facilities as decided by the Government.

5. Insertion of new sub rules under Rule 3 of the Principal Rules :

After sub rule (3) of Rule 3 of the Principal Rules, new sub rules (4), (5), (6), (7), (8) & (9) shall be inserted as follows:

(4) Age limit for appointment of Chairman:

- i) The maximum age limit [in case of Government employee] for appointment of Chairman in the Tripura State Pollution Board shall be not exceed 56 (fifty six) years as on the last date of receipt of the applications.
- ii) The maximum age limit [in case of non-official (retired) person on fixed pay basis] for appointment as Chairman in the Tripura State Pollution shall be not exceed 64 (sixty four) years as on the last date of receipt of the applications and the Chairman in this case may be appointed for a term as decided by the State Government but not beyond his/her attaining a maximum age of 65 (sixty five) years.

(5) Qualification & Experience for appointment of Chairman:

No person shall be eligible for being selected for nomination/appointment as the Chairman under clause (a) of Sub-section (2) of Section 4 of the Water (Prevention & Control of Pollution) Act, 1974 (6 of 1974), unless-

(a) he/she-

- i) possesses a Masters Degree in Science/ Environmental Science/ Environment Management discipline or Master of Technology/ Master of Engineering in Environmental Engineering or an equivalent degree from a recognized University or Institution and has special knowledge and 05(five) years practical experience in the field of environmental protection and pollution control and management;
or
- ii) holds a Bachelors Degree in Engineering/ Technology in Environmental Engineering or an equivalent degree thereto; from a recognized University and has practical experience in respect of matter relating to environmental protection and abatement of pollution at least for a period of 05(five) years;

OR

(b) An officer working under the Government or Public Sector Undertaking or University or an Autonomous Body or Statutory Body possessing the requisite specified eligibility, educational qualification, experience etc may be considered for nomination as the Chairman on deputation basis: Unless he/she-

- i) holds an analogous post on regular basis in the parent cadre or department; or
- ii) has 3 (three) years of regular service in the grade rendered after appointment thereto on regular basis in Level-20 in Tripura State Pay Matrix 2018 or equivalent **and**
- iii) possesses the qualifications and experiences specified in clause (a) of sub rule (5) of Rule 3 of this Rules.

OR

(c) He/she is a retired officer under the State Government or Central Government or a Public Sector Undertaking or a University or an Autonomous Body or a Statutory Body, and –

- i) was holding an analogous post on regular basis in the parent cadre or department; or
- ii) performed 3 (three) years of regular service in the grade rendered after appointment thereto on regular basis in Level-20 in Tripura State Pay Matrix 2018 or equivalent **and**
- iii) possesses the qualifications and experiences specified in clause (a) of sub-Rule (5) of Rule-3 of this Rules.

(d) A non-official person may be considered for nomination as Chairman who possesses the qualifications and experiences specified in clause (a) of sub rule (5) of Rule 3 of this Rules.

(c) Desirable Qualification:

Explanation: - For the purposes of this sub rule a Doctoral Degree in Environmental Management from a recognized University or Institute and excellent record of peer reviewed research publications and experience of organizing environment related training programmes for service personnel, shall be a desirable qualification.

(f) The person to be nominated as Chairman shall be of outstanding merit and impeccable integrity with no possibility of conflict of interest between his earlier employment and in holding the charge of the post of Chairman.

(6) Disqualification: No person,-

- (a) Who has ever been punished/charge-sheeted while working in the Government;
or
- (b) Who is unsound mind and stands so declared by a Competent Court;
or
- (c) Who is at anytime has been convicted for a offence as under law;
or

- (d) who has entered into or contracted a marriage with a person having a spouse living;
or
- (e) who has entered into or contracted a marriage with a person having a spouse living;
Provided that the State Government may, if satisfied that such marriage is permissible under personal law applicable to such person or the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

(7) **Power to relax:** Where the Committee is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, recommend to relax any of the provisions of these rules with respect to any class or category of persons for approval of the Government.

(8) **Tenure:** Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization or department or the Central Government shall ordinarily not exceed three years.

(9) **Saving:** Nothing in these rules shall effect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Schedule Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the State Government from time to time in his regard.

However, if any doubt arises about the interpretation of any of these rules and regulations, interpretation of the Governor shall be final.

6. Amendment of Rule 4 of the Principal Rules :

Expression "Salaries, Allowances and other Conditions of Service of Member-Secretary" of Rule 4 shall be substituted with the expression "Qualifications, Experience, Age Limit, Pay, Allowances and other conditions of service of Member-Secretary of Tripura State Pollution Control Board".

7. Amendment of sub rule (1) of Rule 4 of the Principal Rules :

sub rule (1) of Rule 4 of the Principal Rules shall be substituted as follows :

A full time Member Secretary shall be appointed by the State Government from amongst the qualified official or non-official persons having Qualifications, Experience, Age Limit etc. as specified in Rule 4(5) & 4(6).

8. Amendment of sub rule (2) Rule 4 of the Principal Rules :

sub rule (2) Rule 4 of the Principal Rules shall be substituted as follows :

Pay, Allowances and other conditions of service of the Member-Secretary:

- (i) **In case the Member Secretary is appointed from amongst Government employees:**

- (a) He/she shall be paid a monthly pay in the pay scale of Rs.76900-170800/- (Level-19 of Tripura State Pay Matrix, 2018) with annual increment @3% subject to revision of pay by the State Government from time to time.

- (b) if his/her last basic pay exceeds the pay of Rs.170800/- at the time of joining, he/she will receive pay equivalent to the last basic pay of last service with 3%

annual increment over the running basic subject to the maximum pay as mentioned in his/her level of the post of his/her last service.

- (c) The other conditions of the service of the Member Secretary shall be regulated in accordance with such rules and regulations as are applicable to the officers belonging to the corresponding pay scale of the State Government.

(ii) In case the Member Secretary is appointed from amongst Retired persons:

- (a) He/she shall receive a pay equal to the difference between the last basic pay drawn by him/her minus the last basic pension (before commutation) per month which may be revised as per Government decision from time to time.
- (b) In addition to the pay specified in clause (ii)(a) of sub rule (2) of Rule 4, the Member Secretary shall be entitled to city compensatory allowance, house rent allowance (if official accommodation is not provided) travelling allowance & daily allowance (in respect of journeys undertaken by him/her for performing duties as Member Secretary) and medical facilities as applicable corresponding to his/her last scale of pay subject to the maximum of level-19 of Tripura Pay Matrix, 2018.

9. Insertion of new sub rules under Rule 4 of the Principal Rules :

After sub rule (4) of Rule 4 of the Principal Rules, new sub rules (5), (6), (7), (8), (9) & (10) shall be inserted as follows:

(5) Age limit for appointment of Member-Secretary:

- (i) The maximum age limit of appointment of Member Secretary in the Tripura State Pollution Control Board from amongst Government employees shall not exceed 56 (fifty six) years as on the last date of receipt of the applications.
- (ii) The maximum age limit [in case of Retired persons on fixed pay basis] for appointment as Member Secretary in the Tripura State Pollution shall not exceed 64 (sixty four) years as on the last date of receipt of the applications and the Member Secretary may be appointed in this case for a term as decided by the State Government but not beyond his/her attaining a maximum age of 65 (sixty five) years.

(6) Qualification & Experience for appointment of Member-Secretary : No person shall be eligible for appointment to the post of Member Secretary under clause (f) of Sub-section (2) of Section 4 of the Water (Prevention & Control of Pollution) Act, 1974 (6 of 1974) by the State Government, unless,-

- (a) He/she possesses Master of Science/Environmental Science/Environment Management discipline or Bachelor of Technology/ Bachelor of Engineering in Environmental Engineering or an equivalent degree from a recognized University or Institute and has special knowledge and 12 (twelve) years practical experience in the field of environmental protection and pollution control and management.

OR

- (b) An officer working under the Government or public sector undertaking or University or an autonomous body or statutory body possessing the requisite specified Eligibility, educational qualification, experience etc may be considered for

nomination as the Member Secretary on deputation basis: Unless he/she

(i) holds an analogous post on regular basis in the parent cadre or department;

or

(ii) has 1(one) year of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 19 of Tripura State Pay Matrix 2018 or equivalent **or** Officers with 2 (two) years of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 18 of Tripura State Pay Matrix 2018 in the parent cadre or department or equivalent **or** ; Officers with 3 (three) years of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 17 of Tripura State Pay Matrix 2018 in the parent cadre or department or equivalent

And

(iii) Possesses the qualifications and experiences specified in clause (a) of sub-Rule (6) of Rule-4 of this Rules.

OR

(c) He/she is a retired officer under the State Government or Central Government or a Public Sector Undertaking or a University or an Autonomous Body or a Statutory Body, **and** –

(i) was holding an analogous post on regular basis in the parent cadre or department;

or

(ii) performed 1(one) years of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 19 of Tripura State Pay Matrix 2018 or equivalent **or** 2 (two) years of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 18 of Tripura State Pay Matrix 2018 in the parent cadre or department or equivalent **or** 3 (three) years of regular service in the grade rendered after appointment thereto on regular basis in pay of Level - 17 of Tripura State Pay Matrix 2018 in the parent cadre or department or equivalent

And

(iii) possesses the qualifications and experiences specified in clause (a) of sub rule (6) of Rule-4 of this Rules.

(7) Disqualification: - No person,-

(a) Who has ever been punished/charge-sheeted while working in the Government;

or

(b) Who is unsound mind and stands so declared by a Competent Court;

or

(c) Who is at anytime has been convicted for a offence as under law;

or

(d) who has entered into or contracted a marriage with a person having a spouse living;

or

(e) who has entered into or contracted a marriage with a person having a spouse living;

Provided that the State Government may, if satisfied that such marriage is permissible under personal law applicable to such person or the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

(8) Power to relax : Where the Committee is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, recommend to relax any of the provisions of these rules with respect to any class or category of persons for approval of the Government.

(9) Tenure: Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization or department or the Central Government shall ordinarily not exceed three years.

(10) Saving: Nothing in these rules shall effect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Schedule Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the State Government from time to time in his regard.

However, if any doubt arises about the interpretation of any of these rules and regulations, interpretation of the Governor shall be final.

10. Insertion of New Rule 4A :

After Rule 4 of the Principal Rules, a new Rule 4A shall be inserted as follows:

Mode of Recruitment of Chairman & Member Secretary of Tripura State Pollution Control Board:

The Chairman & Member Secretary shall be appointed through a Search cum Selection Committee consisting of the followings:-

- | | |
|--|------------|
| (a) Chief Secretary, Government of Tripura | : Chairman |
| (b) Secretary-in-Charge, GA (P&T) Department | : Member |
| (c) Secretary-in-Charge, Forest Department | : Member |
| (d) An expert member to be nominated by the Chief Secretary | : Member |
| (e) Secretary-in-Charge, Department of Science, Technology and Environment | : Convener |

The Committee shall recommend the names for approval of the government.

11. Amendment of sub rule (4) of Rule 5 of the Principal Rules :

sub rule (4) of Rule 5 of the Principal Rules shall be substituted as follows :

All non-official members shall be entitled to the payment of sitting fee for each day of attending meeting at the rate to be notified by the Government from time to time in addition to travelling allowance that is admissible under sub rule (3) of Rule 5.


12. Amendment of clause (ii) of sub rule (1) of Rule 29 of the Principal Rules :

TABLE under clause (ii) of sub rule (1) of Rule 29 of the Principal Rules shall be substituted as follows:

TABLE

	Criteria	Consent fees in rupees
1.	Industries with fixed capital investment more than Rs.5.0 crores (Large Industries)	As decided by Government notification from time to time
2.	Industries with fixed capital investment more than Rs.45.0 lacs but less than Rs.5.0 crores (Medium Industries)	As decided by Government notification from time to time
3.	Industries with fixed capital investment upto Rs.45.0 lacs (Small Industries)	As decided by Government notification from time to time
4.	Class A Municipal Committees	As decided by Government notification from time to time
5.	Class B Municipal Committees	As decided by Government notification from time to time
6.	Class C Municipal Committees	As decided by Government notification from time to time

By order of the Governor,


(Tanusree Deb Barma, IAS)
Secretary to the
Government of Tripura

Copy to:-